

<b>Application No.</b> 09/396,888	<b>Applicant(s)</b> RIVAS ET AL.	
<b>Examiner</b> Laura A. Grier	<b>Art Unit</b> 2615	

**Status of Application:** pending - Appeal Brief

(3) \_\_\_\_\_.


(4) \_\_\_\_\_.

**Time:** 10:30 AM

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

Upon review of the claims under appeal and further review of the allowed claims, the examiner realized an unaddressed 112 issue (1<sup>st</sup> and 2<sup>nd</sup> paragraph) of allowed claim 7, and had questions regarding the applicant's arguments of the pending final rejection in respect to the Fukushima et al. rejection of claims 30-37 (now under appeal), particularly independent claims 30 and 37.

Therefore, the examiner attempted to contact Mr. Wray, the applicant's attorney, to receive better clarity of the claim language in claim 7 in respect to disclosed specification - the limitation of "the plurality of photosensors are positioned in a plane offset from the plane of the light emitting diodes" - and to further explain his arguments of the prior art used in the rejection of independent claims 30 and 37 not teaching the claimed invention. Mr. Wray declined to provide any response for either question presented to him regarding this case. However, in view of the 112 issues, the examiner is deemed to re-open prosecution in the case, and the allowance of claim 7 is withdrawn.